



### Amendments to the Drawings

The drawings for the referenced patent application have been objected to as failing to comply with 37 CFR 1.84(p)(4) because in Figure 4, reference character 405 has been used to designate both “Session 1” and “CPE”. In response, Applicant has amended the drawings accordingly. No new matter has been added. The amendments are supported in paragraph 0018.

The drawings have also been objected to under 37 CFR 1.83(a) because Figure 4 fails to show bidirectional data flow between the network elements as described in the specification. In response, Applicant has amended the drawings accordingly, as well as Figures 3 and 5. No new matter has been added. The amendments are supported in paragraphs 0017-0019.

## **REMARKS**

Claims 1-30 remain pending in the application. Claims 1, 5, 8, 10, 12, 15, and 18 have been amended. No claims have been added. No claims have been canceled.

It is respectfully requested that the present amendments to the claims be entered into the record.

### *Claim Rejections*

#### *35 USC §112, First Paragraph*

Claims 1-4, 8-14, 18-21 and 25-27 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that “insert a route” has not been adequately defined in the specification. Applicant previously argued in the response to an Office Action mailed June 13, 2005 that “insert a route” takes its ordinary meaning in the relevant arts. With regards to computer data networks, the ordinary meaning of “insert a route” is well-known to mean inserting a route into a route table, forwarding table or other such table that contains data forwarding information. According to Random House Webster’s College Dictionary, 2<sup>nd</sup> Edition, 1997, a route is a “a course, way or road for passage or travel”. Accordingly, Applicant respectfully submits that claims 1-4, 8-14, 18-21 and 25-27 satisfy the requirements of 35 U.S.C. § 112, first paragraph.

#### *35 U.S.C. §102*

Claims 1-10, 12, 13, and 15-30 have been rejected under 35 U.S.C. §102(e) as being anticipated by Chiles et al., U.S. Patent Publication No. 2001/0036192 (“Chiles”). Applicant does not admit that Chiles is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Chiles does not

teach each and every element of the invention as claimed in claims 1-10, 12, 13, and 15-30.

Chiles discloses connecting multiple home networked devices through a home gateway to a remote access concentrator by establishing point-to-point protocol over Ethernet (PPPoE) sessions between the home networked devices and the home gateway, where the home gateway is present in the customer's home. The traffic in the PPPoE tunnels is converted to point-to-point (PPP) traffic and multiplexed onto a single layer 2 transport protocol (L2TP) tunnel between the home gateway and the remote access concentrator. Data communication between the home gateway and the remote access concentrator is by way of the L2TP tunnel. Thus, Chiles discloses only one local PPPoE session between the home network device and home gateway. Nevertheless, Chiles does not teach or disclose having multiple sessions from one home device connected to the home gateway or remote host.

Applicant respectfully submits that Chiles' system does not teach or suggest Applicant's independent claims. Chiles discloses communicating between a host and remote device via a PPPoE tunnel between the host the home gateway and a L2TP tunnel between the home gateway and the remote device. However, this is not what Applicant is claimed in Applicant's claims.

Unlike Chiles' system, Applicant's claims 1, 5, 8, 12, 15, and 18 are directed to establishing a session between the host and the remote access concentrator through a CPE. For instance, in claims 1 and 18, as amended, Applicant claims "establishing a session at a data link layer between a host and a remote access concentrator through a customer premise equipment".

In addition, in claim 5, Applicant claims "establishing a first session with a data link layer protocol between a host and a first remote access concentrator through a customer premise equipment ... establishing a second session with the data link layer protocol between the host and a second remote access concentrator through the customer premise equipment without terminating the first session".

Furthermore, claim 8, as amended, requires “establishing a communications session between a host and a remote access concentrator through a customer premise equipment under a first of a plurality of accounts”.

Claim 12, as amended, requires “establishing a Point to Point Protocol over Ethernet (PPPoE) session between a host to a remote access concentrator through a customer premise equipment, the PPPoE session being associated to an account”.

Claim 15, as amended, requires “a processing unit coupled to the communications module and the storage, the processing unit to create a message having a subset of the set of network layer information within a data link layer of the message and to transmit the message in the communications session to a host, wherein the subset specifies a route from the host to a server associated through a customer premise equipment with the session”.

In addition, unlike Chiles’ one home device that establishes only one PPPoE tunnel between a home networked device and the home gateway, Applicant’s claims 3, 4, 10, 11, 13, 14, 17, 18 and 20-30 are directed to establishing more than one session between the host and the remote access concentrator. For instance, in claims 3-4, and 20-21 (which depend from claims 1 and 18, respectively), as amended, Applicant claims “establishing a session at a data link layer between a host and a remote access concentrator ... establishing a second session at the data link layer between the host and the remote access concentrator”.

Furthermore, claims 10 and 11 (which depend from claim 8), as amended, requires “establishing a communications session between a host and a remote access concentrator through a customer premise equipment under a first of a plurality of accounts ... establishing a second communications session between the host and the remote access concentrator through the customer premise equipment under a second of the plurality of accounts without terminating the first communication session”.

In addition, claims 13 and 14 (which depend from claim 12), as amended, require, “establishing a Point to Point Protocol over Ethernet (PPPoE) session between a host to a remote access concentrator through a customer premise equipment, the PPPoE session being associated to an account ... establishing a second PPPoE session between the host

and the remote access concentrator, the second PPPoE session being associated to a second account”.

Claim 17 (which depends from claim 15), as amended, requires, “a processing unit coupled to the communications module and the storage, the processing unit to create a message having a subset of the set of network layer information within a data link layer of the message and to transmit the message in the communications session to a host, wherein the subset specifies a route from the host to a server associated through a customer premise equipment with the session … the processing unit to create a second message having a second subset of the set of network layer information and to transmit the second message in the second communications session”.

Claims 22-24 require “establishing multiple simultaneous PPPoE sessions for a single host to access a plurality of content servers through a set of one or more network elements, wherein one of the network elements in the set of network elements performs the following during the establishment of each of the PPPoE sessions, accessing network information previously entered for an account associated to the PPPoE session, wherein different accounts for different ones of the plurality of content servers include distinguishing network information, wherein each of the PPPoE sessions is associated to a different one of the accounts, creating a control protocol message with the accessed network information embedded, and transmitting the control protocol message to the host.”

Claims 25-27 require “a single host establishing multiple simultaneous PPPoE sessions for access to different ones of a plurality of content servers through a set of one or more remote access concentrators, wherein different accounts for different ones of the plurality of content servers include distinguishing network information, wherein each of the PPPoE sessions is associated to a different one of the accounts, wherein the single host performs the following during establishment of each of the PPPoE sessions, receiving from one of the set of remote access concentrators a control protocol message in which is embedded at least some of the distinguishing network information for the account accessed for the PPPoE session by the remote access concentrator, and inserting a route to the one of the plurality of content servers identified by that network information.”

Claims 28-30 require “a host device to distinguish simultaneous PPP sessions based on messages having network data embedded within a data link layer of the messages; a network element to communicatively couple the host device through a network to different ones of the plurality of content servers to access the database to create and transmit the messages to the host; a database to associate different network data to different ones of a plurality of content servers.”

The above quoted limitations are not described or suggested by Chiles. While there are various uses for the invention as claimed, several such uses are discussed at paragraphs 0017-0019. Thus, while the invention is not limited to the uses discussed on these pages, it should be understood that Chiles does not enable these uses and the above quoted limitations do.

For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims are allowable for at least the reason that they are dependent on an allowable independent claim.

### *35 U.S.C. §103*

Claims 11 and 14 have been rejected under 35 USC 103(a) as being unpatentable over Chiles in view of Araujo et al., U.S. Patent No. 6,112,245 (“Araujo”). Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 11 and 14.

Araujo discloses a constant access ADSL link from a model to a central office switch that establishes sessions to individual end stations. However, Araujo does not teach or suggest establishing a session between the individual end station and the remote access server through a customer premise equipment.

In contrast, Applicant claims in claim 11 (which depends on claim 8), as amended, “establishing a communications session between a host and a remote access concentrator through a customer premise equipment under a first of a plurality of accounts”.

Furthermore, claim 14 (which depends on claim 12, as amended, requires, “establishing a Point to Point Protocol over Ethernet (PPPoE) session between a host to a

remote access concentrator through a customer premise equipment, the PPPoE session being associated to an account”.

The above quoted limitations are not described or suggested by Chiles or Araujo. While there are various uses for the invention as claimed, several such uses are discussed at paragraphs 0017-0019. Thus, while the invention is not limited to the uses discussed on these pages, it should be understood that Chiles and/or Araujo does not enable these uses and the above quoted limitations do.

For at least these reasons, Applicant respectfully submits that the claims discussed above are allowable.

*Conclusion*

It is respectfully requested that the application be examined in the light of the Amendment and the Remarks above. It is respectfully submitted that all rejections have been overcome and that all pending claims 1-30 are in condition for allowance. An early notice of allowance is respectfully and earnestly sought.

*Invitation for a telephone interview*

The Examiner is invited to call the undersigned at 408-720-8300 (Pacific time) to help expedite timely disposition of this case.

*Charge our Deposit Account*

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 3/7/06, 2006



Eric S. Replogle  
Reg. No. 52,161

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300